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Human rights situations that require the Council's attention

Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth

Summary

The present report is submitted pursuant to Human Rights Council resolution 23/21. It is based upon information that the Special Rapporteur on the situation of human rights in Eritrea gathered from a variety of sources, including Eritrean refugees interviewed during field missions in 2013 and 2014. In the report, the Special Rapporteur focuses on two main issues, namely, the indefinite national service and arbitrary arrest and detention, including incommunicado detention and inhumane prison conditions. In her view, the rampant human rights violations occurring in these contexts in Eritrea, which is causing hundreds of thousands to leave their country for an unknown and precarious future elsewhere, require the Human Rights Council's particular attention. The Special Rapporteur concludes the report with recommendations to the Government of Eritrea and the international community, aimed at addressing those concerns.

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I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 23/21, following the renewal of the Special Rapporteur's mandate in June 2013. It focuses on two main issues, namely, the indefinite national service and arbitrary detention, which, in her view, require the Human Rights Council's particular attention, especially as they are two of the key reasons that incite Eritreans to leave their home country for an unknown and precarious future elsewhere.

2. The Special Rapporteur considers both issues from a human rights perspective, based on information she collected during her fieldwork and from documents already available in the public domain.

3. Since her appointment in November 2012, the Special Rapporteur has made several requests to visit Eritrea; her latest request was sent to the Government on 2 April 2014. So far, her requests have not been granted.

4. The Special Rapporteur welcomed the meeting with Eritrean diplomats in New York on 23 October 2013, which was the only opportunity she had to meet with Eritrean officials since the submission of her first report. The discussion centred around Eritrea's efforts to remain on track in achieving six of the eight Millennium Development Goals. The Special Rapporteur regrets that she did not receive a positive response to her latest request of 10 March 2014 to meet with representatives of the Permanent Mission in Geneva.

5. The Special Rapporteur firmly believes that the mandate offers the potential for Eritrea to be closely involved in efforts to find long-lasting solutions that are compliant with international standards for the respect of human rights in the country. Consequently, she endeavours to implement the mandate in a constructive, transparent, independent and impartial manner.

6. In an interactive dialogue on 24 October 2013, the Special Rapporteur briefed the Third Committee of the General Assembly on the findings of her first report (A/HRC/23/53), her long-term objectives for the mandate and respect for human rights in Eritrea, as well as the challenges that she faced in implementing the mandate.

7. During the reporting period, the Special Rapporteur attended several consultations on the human rights situation in Eritrea with various interlocutors from Governments, academia and civil society, in New York, Brussels, and Pretoria.

8. In October 2013, the Special Rapporteur submitted information on children's rights in Eritrea to the African Committee of Experts on the Rights and Welfare of the Child of the African Union, which monitors the implementation of the African Charter on the Rights and Welfare of the Child, in the context of its review of Eritrea's report. That submission was made in the context of establishing and maintaining contacts with regional human rights mechanisms working on issues related to the mandate of Special Procedures ensure exchange of information, coordination and mutual support in common areas of work.[1]

9. As invited to in Human Rights Council resolution 21/1, the Special Rapporteur further investigated the allegations contained in material submitted under the complaint procedure, which was transmitted to her. The material alleges widespread and systematic human rights violations in Eritrea, which the Special Rapporteur addressed in general in her first report to the Council. In the present report, the Special Rapporteur will address some

[1] See OHCHR, *Manual of Operations of the Special Procedures of the Human Rights Council* (August 2008), para. 130. Available from http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx.

of the most pertinent human rights violations in more detail. Given the limited resources available to implement the mandate, the Special Rapporteur has not yet investigated further the allegation regarding the ongoing and systematic violations of the fundamental rights and freedoms of the Red Sea Afar people, one of the nine ethnic minority groups in Eritrea.

10. During the reporting period, given the lack of access to Eritrea, the Special Rapporteur collected first-hand information from Eritrean refugees residing in other countries. She sent visit requests to 21 Member States, seven of which responded positively. From 11 to 20 November 2013, the Special Rapporteur visited Tunisia and Malta, and from 17 to 28 March 2014, she visited Germany and Switzerland. The Special Rapporteur hopes to be able to honour the other three invitations in due course.[2] The Special Rapporteur would like to express her thanks to the Governments of the countries that have allowed her to meet with Eritrean refugees and migrants on their territories. She appeals to the 14 Member States that have not responded, or that have responded negatively, to grant her access in order to facilitate the delivery of her mandate.[3]

11. Many Eritrean refugees interviewed during the field missions described severe human rights violations that they had experienced along the escape routes. Although those violations are not the focus of the present report, they require serious scrutiny in another context.

II. Methodology

12. The Special Rapporteur considers that a visit to Eritrea would be the preferred method for carrying out a meticulous assessment of and gathering first-hand information on the situation of human rights in the country. However, since the Government continues to refuse to cooperate fully with the Special Rapporteur and to permit her access to the country, despite the Council's call in its resolution 23/21, she collated the necessary information through alternative means, as described in her first report.

13. The Special Rapporteur would like to thank all those who shared with her their personal, and often harrowing, experiences in their search for safety and enjoyment of their human rights. Many of them spoke with her in confidence on the understanding that their identities would not be revealed, which the Special Rapporteur is committed to fully respect.

14. The Special Rapporteur acknowledges the constructive discussions she had with numerous academics, diplomats, Eritreans in the diaspora, experts, human rights defenders and researchers, who provided valuable insights. The list would be too long to name each one individually. The Special Rapporteur also made every effort to engage with and seek the views of Eritrean community organizations, including inviting written submissions.

A. Universal Periodic Review

15. The Working Group on the Universal Periodic Review (UPR) carried out its second review of Eritrea on 3 February 2014. The Special Rapporteur welcomed Eritrea's high-level engagement in the review of its human rights record; however, Eritrea's poor performance with regard to implementing the recommendations made during the first

[2] From Italy, Libya and South Sudan.

[3] Those are Algeria, Chad, Egypt, Israel, Kenya, Kuwait, Morocco, Qatar, Saudi Arabia, South Africa, Sudan, Uganda, United Arab Emirates and Yemen.

review in 2009 demonstrates a lack of goodwill and commitment to address the serious human rights situation in the country.

16. The Special Rapporteur noted positively that, in 2012, Eritrea submitted reports to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, and in January 2014, Eritrea requested the United Nations High Commissioner for Human Rights to deploy a working-level mission to the country. However, Eritrea has still not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, nor the Optional Protocol thereto, and the submission of several initial reports to human rights treaty bodies is still pending. No special procedures mandate holder has been invited to visit the country, despite numerous calls made during the first review and reiterated in the second one.

17. The Special Rapporteur takes note of Eritrea's efforts to eradicate the widespread practice of female genital mutilation/cutting (FGM/C) as well as the 416 FGM/C-related cases brought before the courts across the country.

18. During the UPR, Eritrea highlighted the progress made towards achieving several of the Millennium Development Goals; however, it is extremely difficult to verify that assessment, as no independent actors have been able to cross-check the data provided by the Government. Furthermore, the Special Rapporteur is concerned about whether the Government policies aimed at achieving the Millennium Development Goals are in line with Eritrea's obligations under international human rights law. The Special Rapporteur has requested information on the subject from the United Nations Resident Coordinator in Eritrea.

19. The Special Rapporteur encourages the Government of Eritrea to view the second UPR as a renewed opportunity to demonstrate its commitment to the promotion and protection of human rights and to address the numerous human rights challenges highlighted during the interactive dialogue, by accepting the recommendations made in their entirety.

B. Brief update on the situation of human rights in Eritrea

20. In her first report, the Special Rapporteur endeavoured to corroborate patterns of human rights violations through the gathering of first-hand information. She confirmed that violations of human rights in Eritrea included indefinite national service; arbitrary arrests and detention, including incommunicado detention; extrajudicial killings; torture; inhumane prison conditions; infringement to freedoms of movement, expression and opinion, assembly, association and religious belief; sexual and gender-based violence; and violations of children's rights. Information gathered for the present report confirms that the above-mentioned violations continue unabated.

21. Arbitrary arrests and incommunicado detentions were carried out in the aftermath of the attempted coup d'état on 21 January 2013, dubbed the "Forto incident". Over 50 people, including public figures were arrested and detained, with no information as to their whereabouts, nor have they appeared before any court of law.

22. There is still no information regarding the 11 members of the G-15, nor the 10 independent journalists who were arrested in 2001. The Special Rapporteur reiterates her request for specific information on their whereabouts and their state of health, especially in the context where some of them may have died in custody.

23. While freedom of the press and the media has been repressed, an underground newspaper, *The Echoes of Forto*, has been in circulation in Asmara, since September 2013, the anniversary of the 2001 arrests of the journalists from the independent press.

24. Guilt by association continued, with parents asked to pay substantial fines of 50,000 Nafka (ERN) for each family member who has left the country, although the parents often have no knowledge of their children's plans. In the high-profile case, in which the former Minister of Information failed to return to Eritrea after a trip abroad, his elderly father, his 15-year-old daughter and his brother were arrested and detained; they remain in detention to date.

III. Refugee situation

25. While there are numerous human rights violations that incite Eritreans to leave the country, the indefinite national service and arbitrary arrests and detention, or fear thereof, are the top push factors for flight. The fear and experience of a lengthy national service incite many Eritreans, particularly young people, but also older people, to leave the country in large numbers, a process that has started to deplete entire villages, and which has the potential of negatively impacting the country's social landscape.

26. An exponentially high number of people leave Eritrea, despite the life-threatening risks faced while attempting to flee the country and during flight. As at mid-2013, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that the total population of concern originating from Eritrea was 313,375 people, including 292,969 refugees or people in refugee-like situations and 20,336 asylum seekers.[4] UNHCR estimates currently put the number of Eritreans fleeing their country each month at an average 2,000 people. Those statistics place Eritrea as the 10th highest refugee-producing country in the world; they include a high number of unaccompanied minors, whose plight was raised by the Special Rapporteur in her first report.[5]

27. Notwithstanding the non-refoulement principle enshrined in the 1951 Convention relating to the Status of Refugees (art. 33), and specific reference to prohibition of return ("refouler") in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 3), there have been reports of asylum seekers and refugees being returned to Eritrea "voluntarily". The language in article 3, paragraph 1, of the Convention against Torture is compelling: "No State shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". The competent authorities must take into account, "where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights." Unsuccessful asylum seekers and other returnees, including national service evaders and deserters, face torture, detention and disappearance in Eritrea (see section IV.A below). It is therefore of paramount importance to end bilateral and other arrangements between Eritrea and third countries that jeopardize the lives of those seeking asylum.

IV. National service

28. In 1995, National Service Proclamation No. 82/1995 formalized national service in Eritrea. National service was viewed as a means of giving effect to the "historical responsibility" that "present and future generations" shoulder to preserve "a free and sovereign Eritrea as a legacy of thousands of martyrs" (preface). It took but a short time for national service to veer from its "noble objective" as a nation-building programme to

[4] See UNHCR – Eritrea. Available from http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4838e6.
[5] A/HRC/23/53, para. 72.

become one of the main drivers spurring thousands of Eritreans to flee the country, despite the perils encountered on escape routes and a future fraught with uncertainty in foreign lands.

29. Article 5 of the Proclamation outlines the objectives of the national service, including: the establishment of a strong defence force; preserving the culture of heroism shown by the people during the armed struggle; creating hard working generations to participate in the reconstruction of the nation; enhancing the country's economic development by making use of its human resources; and promoting unity and nationalism.

30. The Proclamation stipulates that all Eritreans between the ages of 18 and 40 have the "compulsory duty to perform active national service", consisting of six months of military training and 12 months of active military service and development tasks in military forces for a total of 18 months (art. 8); reserve duties are foreseen until the age of 50. However, conscription for an indefinite period was institutionalized in 2002 with the introduction of the Warsai Yikaalo Development Campaign (WYDC).

31. The Proclamation specifies who may be exempted from national service: persons with disabilities (art. 15); nationals who fulfilled their national service obligation prior to the promulgation of the Proclamation; fighters and armed peasants who were actively involved in the liberation struggle (art. 12). It states that those declared unfit for military training shall perform 18 months of national service in an office setting and may be recalled to serve according to their capacity under mobilization or emergency situation directives (art. 13). Several categories may be eligible for temporary exemption or deferral of national service, including regular students enrolled in one of Eritrea's institutions of higher education (art. 14). There are additional policy exemptions, including for pregnant women and nursing mothers.

32. The clergy of all registered religions, namely, Catholic, Eritrean Orthodox, Lutheran and Islam, were originally exempted from national service, and in 1999, all clergy were issued with appropriate identification documents. However, a circular issued on 4 July 2005 by the Religious Affairs Department of the Ministry of Local Government officially revoked the exemption and ordered all clergy to report for military service. The Government also issued a number of new identification documents; those who did not receive one, either had to report for duty or flee the country. The conscription of the clergy continues to date.

33. Although some conscripts have purely military roles in the army, they also perform other duties, such as manual labour on agricultural farms or construction sites. The Eritrean authorities use military conscripts for manual labour as part of their "development programmes".

34. A large number of draftees under the authority of the Ministry of Defence are assigned to other ministries, and work in civilian administration, infrastructure projects, education, construction, and perform other duties; however, they do not choose their assignments or postings. In that sense, the Eritrean national service is much broader than military service, as it encompasses all areas of civilian life. Consequently, in the present report, the Special Rapporteur uses the terms "national service", "military service" and "conscription" interchangeably.

A. Violations of Eritrea's human rights obligations under international law

1. Length of service

35. As noted above, according to the National Service Proclamation, national service was initially supposed to last 18 months. However, following the war between Eritrea and Ethiopia (1998-2000), in 2002, the Government introduced the Warsai Yikaalo Development Campaign (WYDC), which extended the duration of conscription indefinitely. According to reports submitted by the Government of Eritrea to the International Labour Organization Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts), the population has been engaged in considerable programmes, within the framework of the WYDC, mainly in reforestation, soil and water conservation, as well as reconstruction activities, as part and parcel of food security programmes.[6] Both national service and the WYDC were originally viewed as means of "social change, economic development, socialization, national building and for transmitting the social and political values developed during 30 years of war".[7]

36. Since then, the Government has transformed the national service into an indefinite conscription, through which conscripts spend most of their working lives in the service of the State. A World Bank-funded demobilization project ended in 2005, with the demobilization of 60,000 soldiers. However, in the so-called "no war–no peace" context, the demobilization of the 200,000 soldiers envisaged by the project did not happen.[8] No further thorough demobilization programme has been undertaken to date.

37. The indefinite nature of the national service goes beyond the normal length as stipulated in the Proclamation and thus deprives conscripts of their liberty, in violation of article 9 of the International Covenant on Civil and Political Rights. In its jurisprudence, the Human Rights Committee stated that during a period of military service, restrictions exceeding the exigencies of normal military service or deviating from the normal conditions of life within the armed forces amount to deprivation of liberty.[9]

2. Forced recruitment

38. The military police carries out routine conscription round-ups, known as "*giffas*", in homes, workplaces, the street or other public places, with the aim of rounding up persons considered fit to serve, draft evaders and those who escaped from national service; including minors. Opposing such a round-up can lead to on-the-spot execution, as deadly force is permitted against those resisting or attempting to flee, in violation of the fundamental right to life, liberty and security of the person, provided for in article 3 of the Universal Declaration of Human Rights.

39. The Human Rights Committee has considered the forced recruitment of minors into militias and State armed forces as a violation of article 8 of the International Covenant on Civil and Political Rights and requested the State party concerned to provide information on

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[6] ILO CEACR, Direct Request concerning the Forced Labour Convention, 1930 (No. 29), 2010, 2nd para.

[7] Gaim Kibreab, "Forced Labour in Eritrea", *Journal of Modern African Studies*, vol. 47, No. 1 (2009), pp. 41–72.

[8] World Bank, *Eritrea - Demobilization and Reintegration Program Project* (Washington, D.C., 2009). Available from http://documents.worldbank.org/curated/en/2009/09/11217828/eritrea-demobilization-reintegration-program-project.

[9] See Human Rights Committee, Communication No. 256/1987, *Vuolanne* v. *Finland*, Views adopted on 7 April 1989, para. 9.4.

the steps taken to eliminate the forced recruitment of minors into the armed forces and rehabilitate and protect the victims (CCPR/C/COD/CO/3, para. 18).

3. Underage recruitment

40. According to the National Service Proclamation, the minimum age for recruitment into national service is 18 years (art. 6). On accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 16 February 2005, Eritrea made the following declaration: "The State of Eritrea declares that the minimum age for the recruitment of persons into the armed forces is eighteen years."[10] Despite this unequivocal declaration, children below the age of 18 are forced into conscription in Eritrea. Reportedly, in the 21st round (August 2007–February 2008) at the Sawa Military Training Camp, 3,510 of the 9,938 conscripts at the camp, disaggregated to 1,911 males and 1,599 females, were underage.[11]

41. The Human Rights Committee has already stated that recruitment and retention in service of a child soldier amounts to a deprivation of liberty under articles 8 and 9 of the International Covenant on Civil and Political Rights (CCPR/C/TCD/CO/1, para. 33). Specifically with regard to Eritrea, the Committee on the Rights of the Child (CRC) expressed concern over reports of forced underage recruitment and at the detention and ill-treatment of boys under the age [of 18] when they were required to serve their compulsory military service. It urged Eritrea to take all possible measures to prevent the recruitment of children and to enforce is legislation strictly (CRC/C/ERI/CO/3, paras. 70 and 71).

42. Grade 12 students are conscripted into the armed forces and undergo military training at the Sawa Military Training Camp. Reportedly some Grade 12 students may be below the age of 18, as the Grade 12 requirement is not based on age, but on performance in school, with many students reaching Grade 12 before their 18th year, including those who may have skipped earlier grades.

43. Those who do not reach Grade 12 are sent to other training sites. Students, both male and female, who drop out of school before reaching Grade 12 are likely to receive "an invitation" to sign up for military training, through the local administration. Minors, some as young as 15 years old, are often picked up during round-ups and sent for military training to Wi'a and other places, with no prospect of release because of their young age, even if parents provide documents, such as a birth certificate, as a proof that the child is underage.

4. Draft evasion and desertion

44. The penalties for draft evasion and desertion can be up to five years imprisonment.[12] The wording of the Proclamation violates several obligations that Eritrea has undertaken to respect under international law, including freedom of movement, the right to property and the right to work. Citizens who avoid national service by "escaping abroad" and who do not return until the age of 40 will be "liable to punishment or to imprisonment of 5 years until the age of 50 and their rights to licence, visa, land tenure and work will be suspended."

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[10] See United Nations Treaty Collection, Status of ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Available from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

[11] See the Translation of the Report of the Commander of the Sawa Military Training Camp to the Office of the Eritrean President (original document dated 30 June 2008). Available from www.arkokabay.com/news/index.php?otion=com-content&view+article&id=254.

[12] Eritrea National Service Proclamation No. 82/1995, art. 37.

45. In practice, draft evaders, as well as deserters who are caught or deported back to Eritrea face heavy punishment, including lengthy periods of detention, torture and other forms of inhumane treatment. After the period of detention, they are forced back into the army. Exact figures relating to national service evaders who have been executed or have died in prison from injuries during incarceration are not available.

5. Reprisal against family members

46. In cases where draft evaders and deserters remain untraceable, members of their families are often punished instead, in line with the "guilt by association" policy. Such reprisal can take the form of an obligation to pay 50,000 ERN (approximately USD 3,350), a sum that most Eritreans cannot afford, and/or a family member may be detained for an undefined period of time until the amount is paid. Other types of reprisal include suspension or non-renewal of business licences, which can lead to the closure of businesses, or taking possession of the property belonging to the family.

6. Conscientious objection

47. Under international law, the right to conscientious objection to military service[13] is derived from article 18 of the International Covenant on Civil and Political Rights, to which Eritrea has been a party since 2002. States that practice conscription must either offer exemption for conscientious objectors or ensure the availability of an alternative non-punitive civilian service. Eritrean law does not provide for conscientious objection and many Eritreans are forced into military service, despite their conscientious objections based on religion or belief.

48. Refusal to serve is severely punished by detention in harsh conditions. Members of certain non-recognized religious groups are subjected to persecution and discrimination as a means of coercion into military service.

49. In October 1994, a presidential directive effectively suspended the civil, political, social and economic rights of Jehovah's Witnesses, following their refusal to vote in the 1993 independence referendum and their subsequent announcement that they would participate only in non-military aspects of national service. They could no longer access services available to other Eritrean citizens. Most significantly, Jehovah's Witnesses were denied the official identity cards necessary for the registration of births, deaths and marriages, purchasing property, and obtaining passports, internal and external travel permits and commercial licences. Those who decline military service are detained indefinitely, and those caught meeting in private for prayers face detention and harassment even today, including children and the elderly. At least 56 Jehovah's Witnesses are currently incarcerated in Eritrea, including three who have been incarcerated since 1994.[14]

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[13] See OHCHR, *Conscientious objection to military service*, (New York and Geneva, 2012) (HR/PUB/12/1). Available from http://www.ohchr.org/Documents/Publications/ConscientiousObjection_en.pdf.

[14] See A/HRC/23/22, paras. 54 and 55.

B. Conditions of national service that amount to human rights violations

1. Right to life and security of the person

50. The lives of those serving in the military should not be avoidably put at risk "without a clear and legitimate military purpose".[15] A common punishment in Eritrea for military offences such as desertion, absence without official leave or overstaying of leave without permission and self-harming to avoid national service is exposure to extreme climatic conditions, which may in effect lead to death. The Special Rapporteur has not been able to confirm whether an independent and prompt inquiry into any suspicious death or alleged violation of the right to life is carried out.

2. Arbitrary arrest, detention and torture

51. Military service escapees, as well as perceived offenders, are frequently sent to one of numerous prisons as punishment; Wi'a prison camp, situated on the Red Sea coast, south of Massawa, is a notoriously harsh one. Punishment amounting to torture, inhuman or degrading treatment, as well as detention in inhumane conditions appears to be the norm, even for trivial cases. National service conscripts in detention are also used for hard labour.

52. In addition, procedural guarantees need to be firmly assured. Those in service should be pertinently made aware of what constitutes disciplinary offences, the procedures to be followed at disciplinary hearings, safeguards and guarantees for those facing a charge to defend themselves, the competent authority for imposing punishment in case of breach, which should be proportionate to the offence.[16] Finally, the right to appeal any punishment should be provided for and the act of appealing should not be another occasion for further retaliation.[17]

3. Women in national service

53. The military draft also applies to women. Women are particularly vulnerable and at risk of sexual violence during military service by both officers with responsibilities in the chain of command and by peers.

54. Army commanders force women to submit to their sexual advances; those who resist are usually punished in different ways, including psychological violence, through harsh treatment; assignment to unduly heavy military duties or denial of leave to visit family. In addition to their regular military duties, women are also expected to perform domestic chores, such as cooking and cleaning for military commanders, who often use female conscripts as maids.

55. Women face severe consequences following sexual violence during national service: those who become pregnant are sent back to their families and face stigmatization and reclusion, as those responsible for the pregnancies are not accountable. Given that sexual assault and rape are not usually discussed, in order to protect family reputation, a culture of silence perpetuates a climate of impunity. In addition to the fact that rape is a criminal offence, all those acts amount to a violation of the right to dignity that is inherent to every human being.

56. Furthermore, fear of national service, fueled by knowledge about sexual violence against women during national service, is so widespread that many young girls deliberately

[15] See Council of Europe, "Appendix to Recommendation CM/Rec (2010) 4", para. 6, in *Human rights of members of the armed forces*, (2010).

[16] Ibid.

[17] See International Covenant on Civil and Political Rights, art. 14.

drop out of school so as to marry and have children, or their families may force them to do so as a means of "saving their daughters". Such a strategy has a negative impact on the education of girls, many of whom are unable to access further education and are thus forced to accept low-skilled jobs.[18] Women who have been recruited into national service tend to adopt the same strategies to be demobilized as early as possible. Exemption from military service for nursing mothers has encouraged early pregnancies.

4. Situation in Sawa

57. Sawa Military Training Centre is Eritrea's main military training institution, combining a school, a military training camp and a detention facility. High school students (Grade 12), both male and female, must spend one year at Sawa to be able to complete their course of studies. Only those who complete military training, reportedly three months, at the Sawa Military Training Centre after Grade 11 are allowed to continue their education.

58. The fact that students are required to spend their last year of secondary schooling at Sawa and undergo three months of military training during that period is proof that even the right to education has a compulsory military component attached to it. Owing to the harsh conditions at Sawa Military Training Centre, some students have tried to escape, even if the risk of being caught and facing severe punishment are high. Students at Sawa are subjected to various types of violations, some amounting to torture, inhuman or degrading treatment and corporal punishment. There have been reports of students falling ill and dying or committing suicide.

5. Freedom of movement

59. Freedom of movement is curtailed in Eritrea. The checking of identification papers at control points indicates the level of restraint and monitoring that citizens of Eritrea, including national service conscripts, are required to endure. Conscripts need a pass to travel throughout the country.

60. Further to article 17 of the National Service Proclamation, travel outside of the country is restricted for those in national service. A national under the obligation of national service may be allowed to travel abroad upon providing a certificate of completion of or exemption from national service, or by putting up a sizable sum of money as bond. The Ministry of Defence is responsible for implementing this provision.

6. Freedom of opinion, expression and information

61. The right to freedom of expression includes freedom to hold opinions and receive and impart information. While those rights and freedoms are not unfettered, any restrictions and conditions thereon should only be those provided by law and which are necessary in a society where the rule of law prevails (art. 19, para. 3, International Covenant on Civil and Political Rights). In Eritrea, punitive and disproportionate treatment is meted out to conscripts for expressing their views on the indefinite nature of national service, raising questions about the detention of peers or their living conditions.

7. Freedom of thought, religion and belief

62. The practice of one's religion while performing military service is prohibited, in violation of Eritrea's international obligations under article 18 of the Covenant. Those

[18] See David Bozzini, "National Service and State Structures in Eritrea", agreed minutes of presentation (16 February 2012). Available from http://www.ejpd.admin.ch/content/dam/data/migration/laenderinformationen/herkunftslaenderinformationen/afrika/eri/ERI-agreed-minutes-bozzini-e.pdf.

found reading religious books are punished by detention in conditions which can amount to torture. As indicated above, even clerics are required to perform national service and carry arms, a situation that has adversely affected religious institutions, both churches and mosques, and has also proven to be a traumatizing experience for them. The conscription of clerics and laypersons has occasioned a personnel shortage for pastoral work.

8. Violations of economic, social and cultural rights

63. **Right to work:** Technically speaking, all those in national service are under the responsibility of the Ministry of Defence, even if they are deployed for service in civilian spheres of life. The Ministry of Education is involved in the deployment of civilian jobs, as such assignment depends on the level of education of the individual involved.

64. The salary and allowances for dependants during the national service is so low that recruits are unable to fend for themselves or support their families. The monthly pay during the initial six months of military training and the subsequent 12 months of active service is 50 ERN, with an additional 45 ERN provided to supplement food rations.[19] Conscripts are paid 450 ERN during national service deployment, after the initial 18 months. Former fighters have a different salary scale, starting with 750 ERN, while a major, for example, can earn 1,700 ERN/month. If a conscript was employed in the civil service before entering military service, he would receive his civil service salary, which is pegged to a different scale; however, even those may fall short of the requirement of "just and favourable conditions of work", as provided for under article 7 of the International Covenant on Economic, Social and Cultural Rights.

65. **Right to housing, health care and food**: Living conditions of conscripts are harsh. They face extreme weather situations without adequate housing or clothing adapted for the prevailing climatic conditions. Food rations are inadequate, in both quality and quantity. While medical facilities are available in the barracks, there is a lack of medication and trained personnel. For those in remote locations, referral to hospitals in main towns can take time. Eritrea is thus not meeting its obligations under article 11 of the International Covenant on Economic, Social and Cultural Rights, which provides for the right to an adequate standard of living, including the right to adequate food, clothing and housing, for everyone, including members of the military.

66. **Right to marry and found a family**: The low pay and the indefinite nature of national service have an incidence on the right to marry and found a family, a fundamental right protected under article 23 of the International Covenant on Civil and Political Rights and article 10 of the International Covenant on Economic, Social and Cultural Rights. Many national service conscripts are unmarried as they have been in service throughout their working life. Furthermore, it is unlikely that the salary of a conscript meets the requirements of article 23, paragraph 3, of the Universal Declaration of Human Rights, which states that everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity.

67. To put things in perspective, in Asmara, access to water and electricity remain a challenge, as taps regularly run dry and water can cost 10 ERN per barrel. The electricity bill can reach 450 ERN a month, even if power cuts are recurrent and can last for several hours daily. The price of food is soaring: one *quintal* (about 100 kg) of teff flour, which is used to make *injera*, the local staple bread, costs over 10,000 ERN. Other items, such as kerosene for cooking, are unavailable. The rent for a two-bedroom house can start at 1,500

[19] The official exchange rate as at 9 April 2014 was 1 US$ = 14.88 ERN; however, the black market rate is 1 US$ = 45 ERN.

ERN. Families survive through remittances from abroad, however, for those who do not get supplementary funds, it is a daily struggle to make ends meet.

68. **Impact on families and communities**: Conscripts are posted far from their families and homes, which makes it difficult to maintain personal contacts; for example, a teacher may be posted to a remote and distant location. Compulsory national service takes away sons who should be tending family farms, which causes financial crises in farming communities. By depriving families of labour and income, everyone is put in a situation of struggling to survive and to meet basic daily needs. Conscripts and soldiers are granted leave on a discretionary basis, which may be arbitrary, so that they often work longer than 12 months without being granted leave to visit their families; and they can be denied leave arbitrarily. If they overstay their leave, even for one day, or go on leave without permission, they are usually arrested and detained.

C. National service constituting forced labour

69. A number of human rights instruments contain standards and principles relating to forced labour. The Universal Declaration of Human Rights states that no one shall be held in slavery and servitude (art. 4) and further states that everyone has the right to free choice of employment (art. 23, para. 1). Those rights are further developed in other United Nations instruments, including the International Covenant on Civil and Political Rights (art. 8) and the International Covenant on Economic, Social and Cultural Rights (art.6, para. 1), as well as in regional instruments, including the African Charter on Human and Peoples' Rights (art. 5). Forced labour is also prohibited by the ILO Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention 1957 (No. 105), both of which Eritrea has ratified.

70. Under international human rights law, conscription, per se, is not covered by the prohibition of forced labour. Indeed, the International Covenant on Civil and Political Rights states that "no one shall be required to perform forced or compulsory labour" (art. 8, para. 3 (a), and for the purposes of that paragraph, the term "forced or compulsory labour" shall not include "any service of a military character" (art. 8, para. 3 (c) (ii)).

71. However, national service in Eritrea does not constitute service of a purely military character. Furthermore, conscription for military service is normally for a reasonable period of time, from one to three years, and not of an indefinite character. Since the length of national service in Eritrea is of an indefinite nature, it effectively constitutes forced labour as provided for in article 8, paragraph 3 (a) of the Covenant.

72. The ILO Committee of Experts has, on several occasions, discussed whether national service in Eritrea constitutes forced labour. Article 2 of ILO Convention No. 29 defines forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

73. National service in Eritrea is involuntary in nature, as explicitly stated in the National Service Proclamation: "any Eritrean citizen from 18 to 50 years of age has the obligation of carrying out national service" (art. 6). There are very few exemptions to this requirement (art. 12) and conscripts are recruited without their consent to perform military service. The compulsory nature of national service in Eritrea is further highlighted by the *giffas*, which are aimed at rounding up those who try to avoid conscription. Furthermore, the lack of conscientious objection demonstrates the absence of any element of voluntariness.

74. As of the age of 18 years, Eritreans are obliged to carry out national service, under threat of a penalty. Draft evaders and deserters are punished by harsh and arbitrary penalties, including detention, physical violence, sometimes amounting to torture, and the

refusal of family leave for very long periods of time. Alleged or actual failure to execute tasks during national service is also severely punished. The disproportionate nature and the fact that such punishments constitute torture, cruel, inhuman or degrading punishment are clear violations of human rights. Accordingly, national service conscripts live in constant fear, the threat of severe penalties, sometimes of a life-threatening nature, being part of their daily lives.

75. Conscripts are not free to leave national service before they have been officially demobilized. However, as already indicated, there is no comprehensive demobilization programme in Eritrea (see section IV.A.1 above) and many conscripts serve in the military for most of their working lives for a paltry salary.

76. Furthermore, the ILO Committee of Experts has already discussed whether Eritrean national service may constitute an exception to the definition of forced labour, as stipulated in ILO Convention No. 29.[20] The Committee of Experts has examined the following exceptions under article 2, paragraph 2: compulsory military service for work of a purely military character; cases of emergency, including war and calamities, such as fire, flood or famine; and minor communal services performed by the members of the community in the direct interest of the community. For compulsory military service to be considered as an exception to forced labour, work imposed on conscripts has to be of purely military character. In order to make sure that, in practice, compulsory military service is not diverted from its objective, the ILO Committee of Experts has repeatedly requested the Government of Eritrea to indicate what guarantees are provided to ensure that services exacted under compulsory military service laws are used for purely military ends. The Committee of Experts has also considered that compulsory national service in Eritrea exceeds the limits of the exception provided for in article 2, paragraph 2 (d), of ILO Convention No. 29 relating to work imposed in cases of emergencies. In that respect, the ILO Committee of Experts has urged the Government to take the necessary measures, "both in law and in practice, to limit the exaction of compulsory work or services from the population to genuine cases of emergency, or force majeure, that is, to circumstances endangering the existence or the well-being of the whole or part of the population, and to ensure that the duration and extent of such compulsory work or services, as well as the purpose for which it is used, is limited to what is strictly required by the exigencies of the situation".[21] Finally, the ILO Committee of Experts has pointed out that the existing large-scale and systematic practice of imposing compulsory labour on the population within the framework of the national service programme is also incompatible with ILO Abolition of Forced Labour Convention No. 105, which prohibits the use of forced or compulsory labour as a method of mobilizing and using labour for purposes of economic development.[22]

V. Incarceration

77. The Special Rapporteur continued to collect information on arrests and detention conditions, as these are inextricably linked to national service, given the high number of evaders and deserters and persons held in lieu of family members in Eritrea's prisons. The Special Rapporteur was unable to obtain statistics pertaining to the prison population or to the accurate number of detention facilities. The non-availability of statistics relating to both

[20] Article 2, paragraph 2, of the Convention refers to five types of work or service which, while amounting to "forced or compulsory labour" as defined in the Convention, are considered exceptions to forced labour.

[21] See ILO CEACR, Direct Request concerning the Forced Labour Convention, 1930 (No. 29), 2010, 5th para.

[22] Ibid.

the prison population and detention facilities speaks volumes in terms of transparency that should be inherent in any system of incarceration based on the rule of law.

78. The Special Rapporteur uses the terms "detention facility", "detention centre" or "place of detention" interchangeably, and in a broad manner, to include any location where a person is kept in custody, including prisons, police stations, prisons or holding cells where military personnel are held or any other place where the liberty of an individual is restricted or curtailed, insofar as he or she is not allowed to leave at will. Detention centres are staffed by military personnel (army corps, army division, and army border surveillance unit), the police, as well as the staff of the Eritrean Correctional and Rehabilitation Services, all of whom are national service conscripts.

79. While the term "detainee" sometimes refers only to those at the pretrial stage, and not to convicted prisoners, it is used herein in the broadest possible manner to mean any individual who is deprived of his/her liberty and held in a detention facility, following arrest, pretrial detention or conviction. Other terms used interchangeably in the present document include "person in custody", "people in custody" and "prisoners".

A. Arrest and deprivation of liberty

1. People deprived of their liberty

80. In Eritrea, the police, the military police and internal security regularly arrest and detain citizens without due process and often use force while doing so. Detainees are held in underground prisons or in metal shipping containers, in extreme weather conditions, or in secret detention places. Political prisoners or prisoners of conscience are held without being informed of the reasons for their arrest and without an arrest warrant. They are not formally charged with a recognizable crime, nor brought before a court of law to review the legality of their detention nor tried, in contravention of article 9 of the International Covenant on Civil and Political Rights. Others, such as draft evaders, are presumed to know the reason for their arrest and detention, and the punishment(s) provided for in article 37 the National Service Proclamation are applied in their case. Those persons do not have any recourse to challenge the legality of the detention.

2. Methods of arrest

81. Methods of arrest differ, depending on circumstances. For example, those who overstay their official leave or who desert national service, may be track them down in their homes and villages by the security forces, and taken to a holding cell or prison, then back to their military unit, where they will be held. Many people are arrested at the border while attempting to cross into neighbouring countries; people are often arrested at night and taken to secret detention places, without family members knowing of their whereabouts or being able to visit them. Furthermore, people are afraid to enquire about the whereabouts of their loved ones, lest they too are arrested and detained.

3. Presumed reasons for arrest and detention

82. In Eritrea, people are arrested and detained without any formal charges. Therefore most people can only speculate about the reasons for arrest and detention; the following reasons are cited frequently : (a) evading or deserting national service and military conscription; (b) overstaying leave while serving in national service; (c) during *giffas* – round ups to conscript people by force into the military; (d) attempting to flee the country; (e) trumped up charges of "plotting to leave the country" or helping others to flee; (f) failing to pay a fine when a family member has fled the country; (g) held in lieu of a parent or family member having left the country; (h) inability to produce identification documents

on demand; (i) journalists, for their work; (j) practicing a religion not recognized by the State; (k) failed asylum seekers and refugees who are returned to Eritrea; (l) actual or perceived critics of State policies or practice; (m) those arrested on suspicion of having participated in the attempted coup of 21 January 2013 (Forto incident), among others.

B. Conditions of detention

83. Detention entails restriction on the right to liberty and freedom of movement, and is permitted by law only in very strict circumstances. Additional safeguards are laid down in article 9 of the International Covenant on Civil and Political Rights to protect against arbitrariness and providing for those detained to be able to question the legality of such detention. International law prescribes that persons in detention should continue to enjoy their guaranteed fundamental freedoms and human rights, including their right to human dignity,[23] and the detaining authority shall ensure that the needs of detainees in custody are met.[24]

84. Severe overcrowding in prisons is a major issue that spawns several other problems relating to the health, hygiene and nutrition of those in custody: 80 inmates can be held in an underground cell of 10 m by 15 m, with poor ventilation, no windows or light. The holding cells have no sanitation facilities and prisoners are only allowed out for very short periods to use the toilet. Personal hygiene is a serious concern in such circumstances, with detainees suffering from body lice, scabies or other skin infections, and prone to respiratory complaints or diseases and diarrhoea. Medical facilities are minimal and detainees with chronic health problems do not have easy access the right kind of medication or treatment, thus endangering their lives. Referral to hospitals takes time.

85. Food is of poor nutritional quality and inadequate in quantity, thus exposing those in custody to malnutrition. Meals invariably consist of bread and lentils and access to drinking water is limited. Inmates sleep on the floor without proper bedding.

86. Torture and ill-treatment are prevalent, with prisoners being more vulnerable during the early days in custody, for example, during interrogation and investigation, if any. The Special Rapporteur briefly described methods of torture used, in her previous report.[25]

87. In its UPR report, Eritrea stated that torture was criminalized in the domestic legal system and that "evidence collected under such event is inadmissible in courts of law".[26] However, in practice, there is no legal recourse nor measures to prevent torture concretely. Furthermore, Eritrea has still not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it had undertaken to do during the first UPR cycle.

88. Incommunicado detention and solitary confinement are also prevalent, their non-transparent nature raising many questions, especially with regard to aspects of solitary confinement that are not regulated by law. Isolation can be construed as inhuman or degrading treatment or torture, if a prisoner is held in solitary confinement for an extended period of time.[27] Several questions may also be raised in connection with health issues; for example, as to whether a medical examination is carried out before and/or during such

[23] Basic Principles for the Treatment of Prisoners (1990), General Assembly resolution 45/111, annex.

[24] United Nations Standard Minimum Rules for the Treatment of Prisoners (1955).

[25] See A/HRC/23/53, para. 55.

[26] A/HRC/WG.6/18/ERI/1, para. 48.

[27] See Human Rights Committee, general comment No. 20 (1992) on article 7 of the International Covenant on Civil and Political Rights.

confinement, and whether detainees held in isolation have access to a doctor on request. More importantly, there is no appeal or review system in Eritrea for solitary confinement.[28]

89. Contrary to international standards, it is exceptional for family and friends to have access to those held in custody in Eritrea. Indeed, families are not informed of where their relatives are being held, for what reason, nor for how long they will be kept in custody. Inmates themselves may not have such information. The detaining authorities regularly move prisoners from one prison to another, sometimes very far from their family base, and consequently, they may not get visits for the entire duration of their detention, which can last for months and even years. Contact with family is random, and usually dependent on the goodwill of released detainees to provide family with information.

90. While prisoner deaths occur due to deterioration in health and inadequate medical treatment, poor sanitation or torture, secrecy and lack of access to records make it impossible to determine the exact number of deaths in custody. Some families learn about the fate of their relatives only when informed of their death in custody, though not of the cause of death. Sometimes, released detainees face the dilemma of whether or not to inform family members of the death of their loved ones for fear of reprisal or simply because they do not have the courage to dishearten parents or spouses. Contact with family and friends is not a privilege, but a right for all those in custody, and prisoners should not be deprived of that right or prohibited from communicating with the outside world as a disciplinary measure.

C. Women and children in custody

91. Female detainees are usually accommodated separately from men within the same institution; however, the Special Rapporteur has not been able to ascertain whether the premises allocated to women are entirely separate, more specifically with regard to hygiene facilities. The same conditions as described above apply to women detainees, which indicates that the Eritrean authorities have failed to take into account their protection and special needs, in direct contravention of the provisions set out in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

92. Women detainees are reportedly under the responsibility of male staff mainly, as the majority of the guards at detention centres are men, which exposes them to multiple forms of abuse, including sexual violence, rape or threats of rape and sexual harassment. The specific reproductive health needs of female detainees are not accorded attention. Some young children are held with their mothers, and in the case of lactating mothers, the poor quality of food makes it difficult to ensure proper nutrition for their infants.

93. Although there is a juvenile detention centre in Asmara, children below 18 years, especially those rounded up during *giffas*, are held with adults in detention centres before being transferred to a military training camp. They are subjected to the same harsh regime as adults during detention. Deprivation of liberty, even of children, is not used as a measure of last resort, but as a matter of course, in violation of article 40, paragraph 4, of the Convention on the Rights of the Child, a key provision in juvenile justice.

[28] Association for the Prevention of Torture, *Monitoring places of detention: a practical guide*, (Geneva, April 2004), page 109.

D. Release from custody

94. Eritrea holds numerous detainees without charge or due process. Some detainees are still in prison after over a decade, and others have died in detention. There are reports of many detainees being released without a court process or trial.

95. Release from detention may occur in the following circumstances, although re-arrest and detention anew are possible, inter alia: (a) on providing proof of completion of national service by a family member; (b) on payment of a fine of 50,000 ERN in respect of a family member who has left the country; (c) upon a family member or third person stands as guarantor; (d) upon a family member or third person putting up their house or property as guarantee; (e) after being threatened with torture or degrading treatment for continued religious practice, even of State-approved religious faiths; (f) after renouncing religious faith, if not of one of the four State-approved religions; (g) upon completion of length of "sentence"; (h) just before death due to torture or poor health during detention.

E. Challenging the legality of detention, recordkeeping and monitoring of detention facilities

96. Detention without recourse to justice is common in Eritrea as there are no avenues for detainees to submit complaints to judicial authorities or to request investigation of credible allegations of inhumane conditions or torture. There is no independent authority serving on behalf of detainees. Furthermore, detainees and family members do not challenge, let alone ask about reasons for, detention, for fear of reprisals.

97. While minimal records are kept on arrival at a detention facility, recordkeeping procedures are not systematic, making it impossible to ensure that prisoners are not held beyond the maximum sentence for an "offence", or to ascertain whether there has been a court process at all. Official registration and recordkeeping for each person in custody is a primary tool for ensuring transparency and protecting the detainee, and would ensure that prisoners are not "forgotten" in custody, if the officer who put them in custody can no longer be contacted.

98. The State does not investigate or monitor conditions in detention centres, nor do they permit independent monitors to do so. The Special Rapporteur emphasizes that independent monitoring of prisons is an important requirement stipulated in a number of international conventions and standards, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Standard Minimum Rules for the Treatment of Prisoners. Monitoring can be implemented in a number of ways, including through judicial oversight, setting up of statutory bodies, such as independent inspectorates and Ombudsman offices, civil society initiatives, such as boards of visitors, or international monitoring.

VI. Conclusions and recommendations

A. Conclusions

99. **Eritrea lives in a state of constant preparedness for combat based on what the State terms as a "no war–no peace" situation. The Special Rapporteur does not wish to elaborate on war or the threat thereof because, as indicated in her first report, she**

holds the view that border issues should not serve as an excuse for the Government to violate the rights of its citizens within its own territory.[29]

100. Eritrea's "no-war–no peace" rhetoric provides the context for: (a) the non-implementation of the Constitution that was ratified by the Constituent Assembly in 1997; (b) withholding the organization of free and fair elections at the national level; (c) severe restrictions on civil, political, economic and social rights, as well as a lack of economic opportunities; (d) excessive militarization of society, with a high proportion of the population either in indefinite national service or the People's Militia; (e) forced migration.

101. The violations described in the present report are committed with impunity. Although structures and procedures may be in place, victims do not feel confident that perpetrators will be brought to justice. Moreover, while it is the prerogative of defence forces to set down their own disciplinary rules and procedures, these should be compliant with the human rights obligations that the State has agreed to protect, promote, respect and fulfil.

102. Each of the above-described violations has a human impact and relates to a human story. No matter what the circumstance, even when deprived of their liberty, people must be treated with humanity and with respect for the inherent dignity of the human person. Finally, all rules should embody the principles of fairness and justice and should conform to the basic principle that human rights attach to all human beings always, with restrictions permissible only according to the tenets of the rule of law.

B. Recommendations

103. The recommendations contained in the Special Rapporteur's first report (A/HRC/23/53) still stand, as the Government of Eritrea has not demonstrated its willingness to take them into consideration and to act upon them. The Special Rapporteur calls on the Human Rights Council to take cognizance of the fact that Eritrea has shown no cooperation with the mandate entrusted to her.

104. The Special Rapporteur makes the following recommendations to the Government of Eritrea:

(a) Respect all obligations under international human rights treaties to which Eritrea is a party; ratify and implement other international human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

(b) Bring the provisions of the 1995 National Service Proclamation No. 82/1995 and the Warsai Yikaalo Development Campaign into line with international human rights standards;

(c) Discontinue the indefinite national service, demobilize those who have completed the 18 months of service originally envisaged, and stop using national service conscripts who serve more than 18 months as forced labour;

(d) Ensure that children are not being conscripted into the military;

(e) Promptly investigate allegations of extrajudicial killings, torture, rape and sexual abuse within the national service, and bring perpetrators to justice;

[29] A/HRC/23/53, para. 26.

(f) Provide for conscientious objection by law, in accordance with international norms;

(g) Put an immediate end to human rights violations committed against conscripts during national service, including freedom of expression and freedom of religious practice;

(h) Stop the practice of "guilt by association" and the punishment of the families of draft evaders and deserters, including the exacting of the payment of 50,000 ERN;

(i) Close all unofficial and secret places of detention; guarantee the physical integrity of all prisoners; ensure access to medical treatment for those in need, paying special attention to the needs of women detainees; and improve the conditions of detention in accordance with international standards;

(j) Immediately release, or charge and bring before a court of law, the members of the "G-15" and the journalists arrested in 2001;

(k) Immediately permit unhindered access by international monitors to all detention facilities; allow them to conduct regular and unannounced visits; and act upon their recommendations promptly;

(l) End restrictions on the freedom of movement within Eritrea and travel outside the country without requiring an exit permit and treat returnees according to the principles of human right enshrined in international law.

105. **The Special Rapporteur makes the following recommendations to the international community:**

(a) Ascertain that all development cooperation undergoes stringent due diligence processes to ensure that it fully respects international human rights norms and standards;

(b) Businesses investing in Eritrea should take into consideration the United Nations Guiding Principles on Business and Human Rights, in particular principle 12 on the responsibility of business enterprises to respect human rights, and ensure that these norms are applied in the recruitment of their workforce, so as to prevent the use of forced labour in the course of their operations;

(c) Bilateral and multilateral actors, including the United Nations, should advocate for the release of all political prisoners and those detained for their religious beliefs; call for an immediate stop to incommunicado detention; an end to torture; for those who have been detained without charges to be promptly brought before a judge or released; and for access of international monitors to prisons;

(d) Strengthen efforts to ensure the protection of those fleeing Eritrea, in particular unaccompanied children, by respecting the principle of non-refoulement and by granting at least temporary refuge or protection;

(e) Promote legitimate channels of migration from Eritrea so as to reduce clandestine channels and promote inter-country cooperation to counter human smuggling and trafficking.

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Report of the 2014 Social Forum (Geneva, 1–3 April 2014)*

Chairperson-Rapporteur: Mónica Roqué (Argentina)

Summary

The present report contains a summary of discussions and recommendations of the 2014 Social Forum. In accordance with Human Rights Council resolution 24/25, the Forum was held in Geneva from 1 to 3 April 2014, and focused on the rights of older persons, including best practices in that regard.

* Annex II is circulated in the languages of submission only.

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I. Introduction

1. The Human Rights Council, in its resolution 6/13, preserved the Social Forum as a space for dialogue between the representatives of Member States and civil society, including grass-roots and intergovernmental organizations, on issues linked with the promotion of the enjoyment of all human rights by all.[1]

2. In accordance with resolution 24/25 of the Council, the Social Forum was held in Geneva from 1 to 3 April 2014 and considered "the rights of older persons, including best practices in this regard". The President of the Council appointed Mónica Roqué, National Policy Director on Older Persons at the Ministry of Social Development of Argentina, the Chairperson-Rapporteur of the 2014 Social Forum.

3. The programme of work[2] for the Social Forum had been prepared with guidance from the Chairperson-Rapporteur and input from Member States and other relevant stakeholders. Background reports, made available by the Office of the High Commissioner for Human Rights (OHCHR) pursuant to paragraph 8 of Council resolution 24/25, informed the discussions.[3] The present report contains a summary of the proceedings, and its conclusions and recommendations.

II. Opening of the Social Forum

4. In her opening remarks, the Chairperson-Rapporteur observed that humanity faced unprecedented changes as ageing populations produced both new challenges and opportunities.[4] She called for action to protect older persons from poverty, marginalization, discrimination, inadequate access to health and social services, negative stereotypes, abuse, maltreatment, and other threats to their well-being and autonomy. Noting that population ageing trends would continue to accelerate, she recommended immediate action to respect, protect and fulfil the human rights of older persons. Here, she noted with approval the appointment by the Human Rights Council of an Independent Expert on the enjoyment of all human rights by older persons, while calling for further action to develop and implement a binding treaty on the rights of older persons.

5. Navi Pillay, the United Nations High Commissioner for Human Rights, delivered opening remarks. She observed that the ongoing demographic transformation throughout the world would result in older persons outnumbering children by 2050. Older persons were often subjected to abuse, discrimination, neglect, exclusion and other violations of human rights. Noting the absence of an explicit prohibition of age discrimination and other specific forms of protection for older persons in international human rights law, the High Commissioner called for the articulation of clear and coherent standards on their human rights through the drafting of a dedicated instrument. She encouraged participants to actively engage in dialogue on that issue and to support the future work of the Human Rights Council, the new Independent Expert on the enjoyment of all human rights by older persons (Independent Expert), and the Open-ended Working Group on Ageing for the

[1] For further details on the Social Forum, see www.ohchr.org/EN/issues/poverty/sforum/pages/sforumindex.aspx.

[2] Available from: www.ohchr.org/EN/Issues/Poverty/SForum/Pages/SForum2014.aspx.

[3] A/66/173, A/HRC/24/25, E/2012/51 and A/AC.278/2013/CRP.1.

[4] Full versions of statements and presentations made available to the Secretariat are posted on the OHCHR website at www.ohchr.org/EN/Issues/Poverty/SForum/Pages/SForum2014.aspx.

purpose of strengthening the protection of the human rights of older persons (the Open-ended Working Group on the Human Rights of Older Persons (the Working Group)).

6. Baudelaire Ndong Ella, President of the Human Rights Council, commended the Social Forum as a subsidiary body of the Council that served as a think tank and permitted interactive dialogue on complex and salient issues affecting the full enjoyment of human rights. The implications of population ageing were only beginning to be addressed. Mr. Ella stressed the need to remove legal and social obstacles to the realization of the rights of older persons and noted the efforts of the General Assembly and the Human Rights Council to address that subject by respectively establishing the Working Group and an Independent Expert. He hoped that the Forum would produce concrete recommendations for action and provide a platform for an exchange of views on challenges, opportunities and best practices on the realization of the rights of older persons.

7. During the general statements segment, representatives of Age International, Coordinación Regional de Organismos de la Sociedad Civil de América Latina y el Caribe sobre Envejecimiento y Vejez (CORV), Autistic Minority International, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the Global Alliance for the Rights of Older People, South Africa, Older Women's Network Europe, Argentina, the International Longevity Centre Global Alliance (ILC GA) the International Network for the Prevention of Elder Abuse (INPEA), Slovenia, the Council of Europe, International-Lawyers.Org, Ecuador, Venezuela, Brazil, Ligue Marocaine pour la Citoyenneté et les Droits de l'Homme (Ligue Marocaine) and the Red Cross of Serbia took the floor. Speakers emphasized the growing challenges posed by population ageing, and called for immediate action to respect, protect and fulfil the rights of older persons. They welcomed the establishment of the new mandate and supported the drafting of a dedicated international instrument on the rights of older persons. Participants recommended further research and monitoring of the situation of older persons, including through disaggregated data collection and empowerment of national human rights institutions. They stressed the need to promote the participation of older persons in society and prohibit age discrimination, expressing particular concern about multiple discrimination.

8. Several speakers shared examples of best practices. For example, regional groups of States had adopted, or were debating, instruments to protect the rights of older persons and prohibit age discrimination. Some States had drafted similar national legislation and implemented universal social protection schemes for older persons. Speakers supported the participation of older persons as valued independent members of society, and not merely as recipients of social welfare programmes. They called for a productive exchange of ideas that would yield concrete, action-oriented recommendations for the consideration of States and the Human Rights Council.

III. Summary of proceedings

A. The human rights of older persons: Challenges, opportunities, gaps and promise

9. Craig Mokhiber, Chief of the Development and Economic and Social Issues Branch of OHCHR, stated that normative gaps on the rights of older persons led to gaps in implementation of those rights. Noting that existing laws and policies at all levels failed to address multiple human rights concerns related to older persons, including age discrimination, he called for urgent action to address those normative gaps and prevent the continuing violations of older persons' rights. In the context of ageing populations, the

economic crisis and changing societal values, it was essential to address the fragmented and unsystematic character of the limited existing references to the human rights of older persons (such as in the Convention on Migrant Workers, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities, by creating a binding, universal, international instrument on the rights of older persons. Such a treaty should permit legal planning, promote equality before the law, prohibit elder abuse, facilitate the participation of, and promote respect for, older persons in society, and serve as an instrument for accountability, monitoring, data collection and reporting.

10. Leyla Alyanak, Deputy Director of the Geneva Office of the United Nations Population Fund, stated that population ageing was a modern reality that reflected development successes and presented unique challenges, particularly for older women, who outnumbered older men and often faced greater hardship. Population ageing, particularly in developing countries, demanded immediate action, and the rights of older persons must not be neglected in the post-2015 development agenda. Action would require working with governments, supporting research and data collection, and measures to protect older persons' rights. Ms. Alyanak suggested that those efforts should focus on three key areas: (a) income security, training, and employment for all, (b) widespread participation by all, including the aged and (c) affirmative measures and instruments to address ageing. In a more equitable world, older persons could live in happiness and dignity.

11. Isabel Ortiz, Director of the Social Security Department of the International Labour Organization (ILO), reported that the global financial crisis had had substantial negative impacts on the rights of older persons, including through changes to employment status and income, pension reforms, lower remittances, increased costs of basic necessities, reduced access to credit, loss of savings, and decreased government spending. That situation was exacerbated because only about 50 per cent of persons worldwide had access to pensions. Coverage was lowest in Africa and the Middle East. The main sources of income for older persons' work and pensions were both under threat. In 131 countries public expenditures were being contracted in moves that often had significant impacts on older persons. Pension reforms currently taking place in 86 countries were one clear-cut example. The social and economic crisis involved individuals, particularly older persons, paying the cost of bailing out the financial sector. Ms. Ortiz called for an immediate reversal through implementation of the ILO recommendation on social protection floors. A large number of developing countries were expanding pension systems in spite of substantial challenges. Ms. Ortiz proposed the adoption of a post-2015 target based on the number of persons of retirement age receiving an adequate pension.

12. In a video address, Dirk Jaspers, Director of the Latin American and Caribbean Demographic Centre, Population Division of the Economic Commission for Latin America and the Caribbean, stated that there had been substantial progress in several countries in the Latin American region towards the realization of the rights of older persons. He argued that development, growth and well-being required the explicit inclusion of older persons and pointed to recent progress throughout the United Nations system. Although the work of the Organization of American States to prepare a draft Inter-American Convention on the rights of older persons and the increased visibility of older persons' issues more generally represented positive developments, Mr. Jaspers decried the continuing difficulty faced by the international community in moving from words to actions to protect the rights of older persons. He called for the adoption of an international treaty on the rights of older persons.

13. In the interactive dialogue, representatives of Care Rights, INPEA, the Grupo Interinstitucional sobre Envejecimiento y Derechos, Argentina and International-Lawyers.Org called for the elimination of gaps in the rights-protection framework for older persons, the extension of health care and social protection to older persons in migrant and

minority communities, the adoption of a social protection floor, and the drafting and implementation of a treaty on the rights of older persons. Participants asserted that measures to implement the social protection floor were feasible in all States and should not be rejected for economic reasons. They pointed to the need to re-examine neoliberal policies, pension systems, workforce discrimination, and the effects of the global financial crisis.

14. In her concluding remarks, Ms. Ortiz argued that older persons should not be seen as a burden and that pensions represented a right rather than a cost. She called for attention to growing inequalities and social debts, noting that policymakers had an obligation to create viable alternatives to dysfunctional systems and put people at the centre of development. Ms. Alyanak compared the movement for the rights of older persons to the world AIDS campaign, noting that, by standing together for their rights, older persons could drive change. Mr. Mokhiber emphasized the importance of eliminating age discrimination in employment decisions. He stated that obstacles to the adoption of a convention on the rights of older persons could and should be overcome and called for a redeployment of existing resources toward the realization of the human rights of older persons.

B. Ageism and age discrimination

15. Bridget Sleap, Senior Rights Policy Adviser at HelpAge International, stated that discrimination against older persons occurred in all aspects of life, was universally prevalent and took many forms. It could be compounded by other forms of discrimination based on gender or other status. For example, older women might be denied access to sexual reproductive services or employment because of their age or appearance. Ms. Sleap highlighted the need for an explicit prohibition of age discrimination, noting the absence of such a prohibition from human rights treaties, apart from the Convention on the Rights of Migrant Workers. Filling that gap would ensure that Member States properly addressed age discrimination, which was at present only infrequently addressed by States, during the first cycle of universal periodic reviews or during treaty body reviews of periodic reports. A new treaty that specifically covered older persons could correct that oversight.

16. David Obot, Chairman of the Uganda Reach the Aged Association, discussed the situation of older persons in Uganda. Younger people were leaving rural areas to look for employment in urban areas, leaving behind older family members. The HIV and AIDS epidemic had also killed thousands of people, placing an extra burden upon older persons, who often cared for the children of deceased or sick parents. Although Uganda had worked to improve protection of older persons, implementation and enforcement of existing laws had been lacking. Consequently, older persons might suffer from serious rights violations including rape, loss of property (particularly land), physical violence and inadequate access to health care. Those problems were worsened by conflicts such as that in Northern Uganda. Inadequate human rights protection, insufficient financial resources, and the lack of participation of older persons in development planning also affected the aged. Mr. Obot advocated an international legally binding instrument on older persons, improved legislation and policies at the national level, the sharing of experiences at the regional level, compliance monitoring, the strengthening of national human rights institutions and improved access to justice.

17. Jorge Plano, a member of the Executive Board of CORV, stated that age discrimination was the last socially accepted form of discrimination. He defined such discrimination as the process of systematic stereotyping of people because they were old. Common misconceptions about older persons included the beliefs that they were mentally impaired, diseased, unproductive, asexual, anti-technology, waiting to die, childish, inflexible and a burden upon their families. Referring to the European Commission's 2012

report on discrimination in the European Union, he highlighted that 45 per cent of survey participants believed that being 55 years and older would result in discrimination. Research in the United Kingdom demonstrated discrimination against older persons in policies and practices, including in the health sector. Mr. Plano viewed discrimination as the fundamental obstacle to improving the lives of the aged. He voiced support for a legally binding international instrument on the rights of older persons.

18. In the interactive dialogue, representatives of CORV, China, the International Longevity Centre Global Alliance, INPEA and AIDE-Fédération took the floor. Speakers discussed the potential of new technologies and communication tools to combat age discrimination. The role of the State and the importance of employment, anti-discrimination legislation and data collection were also discussed.

19. In her concluding remarks, Ms. Sleap stated that low literacy levels could make it difficult for elderly persons to access information and that poverty was often a root cause of problems for older persons. Mr. Obot highlighted the importance of civil society and faith-based organizations in addressing age discrimination and the role of education in enabling older persons' political involvement, employment and entrepreneurism. Mr. Plano agreed that education was critical for addressing age discrimination and that digital accessibility was also essential.

C. Older persons and the right to health

20. John Beard, Director of the Department of Ageing and Life Course with the World Health Organization (WHO), stated that people were living longer than ever before and straining health-care systems. He encouraged relevant stakeholders to make the human rights case to encourage governments to improve public health. States must move past knee-jerk reactions and make considered policy choices that accounted for individual circumstances. Mr. Beard called for a rights-based approach to ageing based on capabilities and the elimination of enforced retirement. It should focus on good health, which entailed physical, cognitive and emotional well-being, financial security, education, social relations and social attitudes. Mr. Beard suggested a coordinated response to ageing to maximize resources and described efforts by WHO to promote that approach.

21. Astrid Stuckelberger, a lecturer at the Institute of Global Health at the University of Geneva, observed that the global population was growing, particularly in developing countries. She decried the inadequate attention and resources dedicated to the issue of ageing by the United Nations and Member States, calling for a change in societal attitudes towards ageing and the refutation of common misconceptions about older persons. She advocated the use of science to help older persons and urged OHCHR to lead on older persons' issues, including at upcoming United Nations conferences.

22. Sooyoun Han, a founding member of Care Rights, described difficulties in caring for older persons and in their end-of-life care and decision-making in the Republic of Korea, including challenges faced by returning migrants. The Korean Government was taking action, including through financial assistance for end-of-life care. However, there was no specific health legislation in place and returning migrants were not eligible for that benefit. Ms. Han called for the adoption of a new international instrument to spur government action to protect and provide for older migrants and their family caregivers' rights to information on end-of-life care and decision-making.

23. Abdulaziz Zguiouar, a representative of AIDE-Fédération, described changing demographics in Morocco over the past 50 years. Despite a population ageing trend, older persons' issues had been generally overlooked in social policies and Morocco had only recently begun to take specific measures. Those included the extension of health coverage

to persons with low income, measures to ensure the affordability of medicines, and the creation of social assistance units by the Ministry of Health. However, public policies still needed to be adapted to the specific health issues linked with ageing. For example, growing life expectancies also involved increased morbidity rates, particularly given the prevalence of poverty among older persons.

24. In the interactive dialogue, representatives of Alzheimer's Disease International, World Network of Users and Survivors of Psychiatry, AGE Platform Europe, Age International and Argentina raised various issues regarding the health of older persons including dementia and mental illness, neglect and abuse including torture and degrading treatment. Speakers called for an international instrument to address those issues and for measures to improve the treatment of older persons. They noted that during times of conflict and economic crisis older persons were disproportionately impacted and might be unable to afford health care or health insurance. They highlighted the need for comprehensive measures to promote the health of older persons, including through continuing education and employment.

D. Older persons and the rights to social security and to work

25. Emmanuelle St-Pierre Guilbault, a legal specialist in the Social Protection Department at the International Labour Organization, discussed the right of older persons to work and their rights at work. The rights to work and social security were formulated in general terms in human rights instruments and did not address the specific situation of older persons. ILO standards defining the content of social security for all population groups addressed some older persons' issues, taking into account best practices at the country level. ILO social security standards addressed the rights of older persons at work, social security and an adequate standard of living. Recommendation No. 162 (1980) concerning Older Workers specifically addressed older workers, pensions and age discrimination. Social Security (Minimum Standards) Convention No. 102 (1952) defined social security benefits that people should have throughout their lives, including in old age, in the event of disability or for other contingencies. Recommendation No. 202 (2012) concerning National Floors of Social Protection called for social protection floors and health-care coverage to keep people out of poverty and ensure a life of dignity. Ms. Guilbault concluded by describing efforts at the most recent international labour conference to address employment in the new demographic context which had resulted in a call for a new research agenda and further standard-setting.

26. Odile Frank, a representative of the Global Coalition for Social Protection Floors, described the efforts of that coalition of non-governmental organizations (NGOs) and trade unions to promote social protection floors worldwide. Of the world population, 80 per cent was living in income insecurity. That situation had seriously worsened as a result of the economic and financial crisis. The concept of social protection floors had been made explicit in the United Nations system and had broad support, including from the Bretton Woods institutions, ILO and the human rights community. Social protection floors included universal access to essential health care and basic income security for children and in cases of maternity, unemployment, sickness and disability, and for older persons. Ms. Frank called for States to take a comprehensive approach to social security systems that would contribute to social justice and the enjoyment of human rights.

27. Marlene Márquez Herrera, a member of the executive board of CORV, commended the academic work on social protection floors but stressed the importance of including the perspectives of older persons themselves in the development of international plans to address ageing. She called for an increased focus on social security as a fundamental human right and a reconceptualization of how societies viewed ageing and older persons. She

highlighted the need to re-evaluate retirement ages, cope with increasing numbers of persons with dementia and Alzheimer's disease, address the uneven gender distribution of care burdens and improve the quality of care. There could be no limitations placed on human dignity, which necessitated integral social security without restrictions. Ms. Márquez Herrera appealed to States to redistribute resources so that everyone was guaranteed a life of dignity in their old age.

28. Maryam Al-Ansari, director of the Research and Development Department of the Qatar Foundation for Elderly People Care, discussed the efforts of Qatar to promote the rights of older persons at the national and international levels. The national Constitution protected older persons and discrimination against them was prohibited. The State provided a dignified life for older persons, including through social housing and the guarantee of a basic income. A wide array of services including employment training and medical care was available to older persons. There was an extensive and evolving system of laws and policies designed to protect older persons and the Government engaged with regional and international mechanisms addressing older persons' issues. Ms. Al-Ansari anticipated that Qatar would remain at the forefront of developments in that regard.

29. In the interactive dialogue, representatives of Alzheimer's Disease International (ADI), Venezuela and CORV discussed pension reforms to protect older persons' rights. Speakers also emphasized the importance of social protection floors, and the challenges faced by migrants and persons suffering from Alzheimer's disease. They called for a multi-track pension system that would permit and promote individual retirement plans while also guaranteeing access by all, regardless of contributions, to the bare necessities for a life of dignity.

30. In her concluding remarks, Ms. Al-Ansari called on States to respect the rights of older persons and to provide for them. Ms. Márquez Herrera emphasized the complexity of social security, its importance and the need to prevent interference from political and economic interests with the rights of all persons to live with dignity. Ms. Frank advocated improved monitoring and implementation of ILO conventions on social security. She noted that, in addition to representing a moral and legal obligation, the social protection floor would have economic benefits in most States. Ms. Guilbault called for a binding instrument on the implementation of social security standards. Although current ILO recommendations were not binding, widespread support for them indicated their normative character. ILO recommendations also called for the equal treatment of migrants.

E. Violence, neglect and abuse against older persons

31. Viviane Brunne, from the United Nations Economic Commission for Europe (UNECE) Population Unit, whose main focus was on population ageing, discussed the work of UNECE on violence, neglect and abuse of older persons, including its policy briefs. She spoke of physical, psychological, sexual, financial and material abuse, neglect and self-neglect. Older persons and their caregivers might be susceptible to certain risk factors which must be mitigated. Older persons became more susceptible if they lived alone, were dependent on one family member for care, or had a limited social network. Ms. Brunne called on States to ensure a better quality of life for older persons. She described good practices, including the promotion of intergenerational programmes, the use of volunteer networks to report abuse, and the monitoring, vetting and training of care providers. She advocated a client-centred approach to older persons' care that was sensitive to language, culture, ethnicity and religion, promoted better evaluation of interventions, and was based on relevant data.

32. Svetlana Bashtovenko, president of the Resource Centre for the Elderly, gave a presentation on the situation of older persons in Kyrgyzstan, where older persons

constituted more than 9 per cent of the population. Roughly 40 per cent of older persons in Kyrgyzstan received pensions, some of which were insufficient to satisfy their subsistence needs. That rendered them vulnerable, a problem compounded by discrimination. There had been no State surveys of domestic violence against older persons, but NGOs had identified substantial problems not reflected in government statistics. Analysis by the Resource Centre showed that violence against older persons was prevalent, and that most did not know their rights. Older persons, particularly those living in remote, rural areas, also had limited recourse. The abuse of older persons could take many forms (sexual, physical, economic and psychological), women's limited access to land and property could exacerbate abuses, societal norms and shame hinder the reporting of and action against elder abuse, and problems with substance abuse, unemployment, availability of housing, and limited State capacity all further compound the challenges. Ms. Bashtovenko called for increased scrutiny of the problem, improved training of health-care specialists, law enforcement and State agencies, human rights education, and new prevention centres.

33. Silvia Perel-Levin, a representative of INPEA and ILC GA, emphasized the need to define elder abuse within the wider contexts of violence, cultural norms, sexism and ageism. Violence against older women was often the culmination of lifelong abuse and demanded greater attention to the circumstances of older women. Practices such as witchcraft accusations and forced remarriages which were used to dispossess women of their land and property must be stopped. Ms. Perel-Levin called for a holistic human rights approach, noting that society was responsible for the problem and must provide the solution. She recommended improved screening of, and monitoring by, health-care professionals, social workers and law enforcement, better data collection, and the creation of a United Nations dedicated mechanism similar to the Special Representative of the Secretary General on Violence against Children to promote United Nations interagency collaboration on those issues.

34. In the ensuing discussion, representatives of ADI, AGE Platform Europe, CORV, and the Red Cross of Serbia and of Switzerland discussed the problem of neglect, violence and abuse against older persons. They emphasized the need to address the structural causes of those issues (i.e. poverty, gender and age discrimination, societal norms, and inadequate health care among others). For older persons with dementia, problems were exacerbated. Speakers called for improved analysis of violence, neglect and abuse against older persons through a more systematic international approach to data collection and monitoring. They also insisted on the importance of participation by older persons in addressing those issues.

35. In her concluding remarks, Ms. Perel-Levin agreed that addressing structural and societal forms of violence was a top priority. Referring to a Swiss study on the subject, she called for greater participation of older persons in policymaking. Ms. Brunne called for improved standards across the 56 UNECE member States.

F. Older persons, autonomy and independent life

36. Nena Georgantzi, Legal Officer at AGE Platform Europe, explained through examples that societies and legal and social protection systems perceived declining abilities and dependence as the inevitable destiny of old age and restricted the autonomy of older persons. Informal restrictions based on stereotypes could also pose difficulties to maintaining autonomy as, for example, when older persons were not able to express wishes or were dependent upon the schedules and routines of carers. Maintaining the independence of older persons was about crafting inclusive solutions to permit them to contribute to society and maintain their independence, including during times of economic difficulty. Ms. Georgantzi stressed that the Convention on the Rights of Persons with Disabilities did

not have a specific consciousness of ageism and called for a new framework to address discrimination against older persons.

37. Raymond Jessurun, representing ADI, the Central Latinoamericana y del Caribe de Trabajadores Jubilados, Pensionados y Adultos Mayores (CLATJUPAM) and CORV, described efforts to realize older persons' rights and promote their autonomy as part of an ongoing process that included efforts to draft an Inter-American Convention on the right to live independently and with autonomy. In the Caribbean, the population of older persons was growing and many lacked the necessities for subsistence. That problem was compounded by discrimination, which could be particularly problematic in the Caribbean, due to differing treatment for older persons of different nationalities or citizenship status. The lack of social insurance schemes and pensions, particularly for persons who worked in the informal sector, caused further difficulties, as did the disparate quality of health care depending on nationality and residence, particularly for older persons suffering from dementia. Mr. Jessurun advocated implementation of the United Nations principles for older persons, measures to ensure social inclusion, the adoption of a legally binding instrument on the rights of older persons and equality.

38. Susan Somers, Secretary General and Team Leader of INPEA activities at the United Nations, criticized many current social welfare systems and adult protective services as being based on outdated English poor laws that failed to adequately address contemporary issues. She discussed the difficulty of balancing autonomy and independence with legitimate safety and health concerns for some older persons who were at high risk of domestic violence, neglect, and/or self-inflicted harm. The fact that many violent deaths (over 3,000 a month) were suicides raised the question of when and how society should intervene to protect older persons. Ms. Somers supported further consideration of that issue in connection with principles of autonomy, independence and self-determination, including the potential implications of the Convention on the Rights of Persons with Disabilities.

39. In the interactive dialogue, representatives of CORV, AIDE-Fédération, Care Rights and International-Lawyers.Org discussed the issue of continuing autonomy in old age. It was suggested that the concept of equal judicial capacity found in the Convention could be extended to older persons. The support system to facilitate decision-making regarding the capacity of older persons in Argentina, which included an appeals mechanism, was highlighted as one example of that approach. Speakers argued that personal assistants could contribute to continuing autonomy, called for intergenerational solidarity, emphasized contributions that older persons could make to society and discussed the importance of autonomy near the end of life, particularly for older women, often faced with multiple discrimination, especially in parts of Asia. The question was posed as to whether autonomy could be considered as a component of the right to life.

40. In her concluding remarks, Ms. Somers observed that there was much work to be done to empower older women in end-of-life decision-making in certain countries. Mr. Jessurun stated that the proposal to address autonomy in the drafting process of an Inter-American instrument on the rights of older persons had been inspired by the Convention on the Rights of Persons with Disabilities. He emphasized however that poor people required a social protection floor to be free to make their own decisions and called for intergenerational solidarity. He also expressed concern that the Convention might grant too much power to trustees in the event of memory disabilities. Ms. Georgantzi stated that cultural assumptions often led to discrimination against older persons, which could affect how issues such as ageing, dementia and socio-economic status influenced their continuing independence.

G. Long-term care

41. The Chairperson Rapporteur of the 2014 Social Forum, who served as moderator of the panel on long-term care, introduced the discussion with a presentation of the Argentine long-term care model. She discussed the difficulties of providing long-term care for older persons, noting that the care burden often fell largely upon women. She emphasized the importance of social pensions and universal public health care, which could reduce that burden. In Argentina, efforts had been made to move the care burden to the public sphere by providing unemployed persons with the necessary training to be caretakers. That addressed employment issues and allowed many older persons to remain in their homes. For those who could no longer live on their own, efforts had been made to develop appropriate care institutions. There, the informed consent of the person was critical, as was the proper monitoring, maintenance and care of the facility and its charges. Efforts had to be made to ensure that all older persons could age with dignity and, to the fullest extent possible, depending on their circumstances, with autonomy.

42. Erica Dhar, Senior Advisor for the AARP Office of International Affairs, discussed the analysis by AARP of the costs of caregiving for older persons in the United States. The study found that there were over 42 million family caregivers in the United States, whose paid work had been reduced, as a result of their obligations, by an average of 41 per cent, making their unpaid contributions worth around US$450 billion. Ms. Dhar noted that, with the population continuing to age, the unpaid care burden would rise. She cited the need to improve upon the Affordable Care Act and recent efforts in a number of states to further improve the social welfare system for long-term care and reduce the burden of unpaid care-work. In order to finance long-term care and to ensure its adequacy, AARP advocated for, inter alia, improved affordability and access, choice of setting and provider, quality of life and quality of care, support for family caregivers, and effective transitions and organization of care.

43. Claudia Mahler, a senior researcher at the German Institute for Human Rights, discussed long-term care in Germany from a human rights perspective. Inhumane conditions had been prevalent in private homes, including lack of autonomy for older persons and instances of caregivers working daily 12-hour shifts. In 2001, the Committee on Economic, Social and Cultural Rights had expressed serious concern over those conditions and recommended urgent measures for improvement. The Institute had focused on those issues and produced a study in 2006 on the social human rights of older persons. Despite that, significant problems still persisted in the care of older persons, both in family care and in institutions. That was particularly true in the case of older persons with dementia. Ms. Mahler called for further public debate to promote a rights-based approach to long-term care that would permit all older persons a life of human dignity.

44. Maude Luherne, Policy and Project Officer at AGE Platform Europe, presented AGE Platform's efforts to promote a rights-based approach to long-term care for older persons, including the European Charter of the rights and responsibilities of older people requiring assistance and long-term care. AGE Platform was a network of over 160 organizations representing more than 30 million older persons. It supported a holistic approach to the health of older persons that encompassed prevention, rehabilitation and enablement, cure and care, including end-of-life care. In the European Union, approaches to long-term care were highly variable between countries but common problems related to inadequate coordination of health and social care, financial pressure, lack of support for family care-givers, quality of care and elder abuse. AGE Platform, in its European Quality Framework for long-term care services, called for a common analysis and vision to address those issues, increased participation by older persons in identifying needs and solutions, better coordination and exchange of information in order to improve long-term care systems in Europe and older persons' quality of life, and a rights-based approach to long-

term care based on principles for improved quality of service and priority areas for action set out in the WeDO project.

45. In the interactive dialogue, representatives of Care Rights, INPEA and the Older Women's Network, Europe discussed long-term care and end-of-life decisions. Speakers raised the implications of migration for long-term care, the lack of adequate protections of older persons' rights, including legal protections of their independence and autonomy, inadequate or unaffordable long-term care solutions, and the absence of an explicit right to long-term care. They called for the establishment of a new instrument on the rights of older persons. One speaker noted that progress was also necessary at the national level, citing the example of stalled legislative reform to protect persons living in long-term private residential care homes in the United Kingdom under the national human rights act.

46. In her concluding remarks, Ms. Dhar emphasized the complexity of long-term care and called upon governments to increase financing. Ms. Mahler explained that, while the German Institute for Human Rights was aware of the need for culturally sensitive long-term care for migrants, the capacity to address those needs, particularly in the palliative care sector, was lacking. She emphasized that private care institutions were also subject to human rights responsibilities. Ms. Luherne claimed that end-of-life care was part of palliative care and referenced current work at the European level to integrate palliative care into all health-care systems. On quality of care concerns, she recommended that the European quality framework become the standard in all care settings, public and private.

H. Experiences and opportunities for bilateral cooperation on the rights of older persons

47. Ms. Bashtovenko, president of the Resource Centre for the Elderly, described the organization's work to promote continuing independence and autonomy for older persons through cooperation with other organizations. The Resource Centre provided legal support, training, and information, and organized self-help groups to give medical and social support to older persons in Kyrgyzstan. It also lobbied at the local, national and international levels for policy changes, and participated in government working groups on policy issues affecting older persons. It was a member of a number of coalitions of NGOs, including the Age Net International network, which was active in 10 countries in the region. Age Net International held monthly coordination meetings, lobbied with State agencies, developed a culture of philanthropy, and provided humanitarian assistance to members. Among other successes, the network had successfully lobbied for a bill on social protection in Kyrgyzstan, which was currently being implemented.

48. Mr. Jessurun, representing ADI/CLATJUPAM/CORV, recounted 25 years of experience working on older persons' issues through grass-roots organizations in Latin America, first at the national level, and then in an international coalition. Following the Madrid Action Plan, the coalition aimed to realize all human rights of older persons by 2012. All organizations and national federations were autonomous, but coordination meetings allowed for sharing information and adopting common action plans. Through participation in intergovernmental meetings, the coalition successfully lobbied for a commitment from regional governments to protect the rights of older persons. It had developed a digital bulletin to reduce the costs of cooperation, and online forums to share experiences. Since 2012, the coalition had increasingly focused on international cooperation to share the experience of the Latin America and Caribbean region and provide input to United Nations processes that might lead to the development of a binding instrument on the rights of older persons. The coalition had also developed a regional strategy on dementia and planned to continue its advocacy in relevant forums.

49. David Obot, chairman of the Uganda Reach the Aged Association, described the work of his organization, including through international cooperation, to champion the realization and preservation of a dignified quality of life for older persons. The organization conducted participatory research, contributed to national policy development, campaigned for changes in policy and allocation of dedicated budget lines, supported projects, and contributed to joint NGO reports to United Nations treaty bodies. A 400-kilometre walk had been organized to raise awareness of older persons' issues and the organization trained paralegals to intervene to prevent the displacement of older persons from their land. It also cooperated with HelpAge International to improve access to donor funds. Ongoing challenges to those efforts included the lack of a binding international convention on the rights of older persons, inadequate awareness, persistent violations and the combination of high expectations and limited resources. Mr. Obot called for continued advocacy, evidence-based research to improve and inform policy-making, and increased bilateral cooperation.

50. Abdelaziz Zguiouar, representative of AIDE-Fédération, described his organization as a humanitarian and development aid non-governmental organization, with a branch in Morocco since 1998. In Morocco, the organization had embarked on initiatives to promote the rights of older persons, in collaboration with government authorities. These included a home and care facility for 60 older persons near Rabat, and an observatory for the rights of older persons. The home and care centre project had been launched by the King of Morocco.

51. In the ensuing discussion, representatives of the Ligue Marocaine, the Association of World Citizens, AIDE-Fédération, and CORV addressed the important role of bilateral cooperation in strengthening the enjoyment of older persons' rights and how it could be further reinforced. One suggestion was to promote the participation of older persons and their representative organizations, including through improved access to digital technology. Another was to establish regional councils of older persons on every continent with special attention to migrants and other vulnerable groups. Widespread support had been voiced for an international convention to guarantee the rights of older persons. Speakers called for intergenerational solidarity, improved data collection to inform cooperative efforts and the use of national observatories to study relevant issues and share good practices.

52. In her concluding remarks, Ms. Bashtovenko highlighted the importance of improved cooperation and organization for older persons' rights at the local level and for the participation of older persons and civil society. She advocated improved access to funding through self-assistance networks and councils, which could develop proposals to promote cooperation with governments. Mr. Obot stated that collaboration must be global, with well-known organizations taking a lead role to ensure transparency and accountability. Mr. Jessurun observed that public meetings, marches and other activities could be used to increase awareness of older persons' rights and were particularly powerful when organized by coalitions that represented a broad spectrum of society. He reiterated the importance of intergenerational cooperation, citing the successful engagement of his organization with labour unions. Mr. Zguiouar stressed the need for everyone, including philosophers, researchers and doctors, to think about providing long-term care with dignity and intergenerational solidarity.

I. Experiences and opportunities for regional cooperation

53. Matthias Kloth, an administrator in the Directorate General of Human Rights and Rule of Law of the Council of Europe, discussed the recently adopted non-binding recommendation of the Council of Europe regarding older persons' rights. He called for the closing of the implementation gap on those issues, stressing that the new recommendation could constitute a step forward. The recommendation was grounded in the provisions of

binding instruments, such as the European Convention on Human Rights and Fundamental Freedoms, and the European Social Charter. It stated general principles, while not including an exhaustive definition of "older persons". It included chapters on non-discrimination, autonomy and participation in decision-making (including issues of legal capacity inspired by the Convention on the Rights of Persons with Disabilities), protection from violence and abuse, social protection and employment, appropriate and affordable health care, and access to justice for older persons (including conditions of detention). States might participate in a voluntary follow-up process five years after adoption of the recommendation.

54. Jorge Plano, a member of the Executive Board of CORV, expressed his belief that strong governmental commitment to societal transformation in Latin America and the Caribbean combined with coordinated advocacy by civil society would lead to the eventual adoption of a binding regional instrument on the rights of older persons. The 2012 Santiago Civil Society Declaration stressed the role of civil society organizations in the region, and called for increased cooperation with governments. Other civil society and intergovernmental conferences on ageing had produced important outcomes, such as the Brasilia Charter and Declaration. Regional meetings included the participation of older persons, academics and NGOs. Civil society organizations had contributed by monitoring the situation of older persons, proposing changes in their treatment, and participating in intergovernmental processes at the Organization of American States. Mr. Plano advocated for the development of a universal, legally binding convention on the rights of older persons to promote a rights-based approach to public policies affecting them. Civil society and regional cooperation would be essential for the development of the convention.

55. Vitalija Gaucaite-Wittich, Chief of the Population Unit at UNECE, observed that UNECE included 56 countries (including all 47 members of the Council of Europe) in which one third of the global population of persons over 65 resided. UNECE therefore served as an important platform for sharing good practices on social policies, labour market participation and mobility of older persons, the growing base of older consumers, sustainability of pension systems, including through fiscal reform, long-term care and health provision, and documented and undocumented migrant care workers. Regionally, UNECE was in charge of the review and appraisal of the Madrid International Plan of Action on Ageing, and cooperated with the Council of Europe, inter alia. It also had national focal points on ageing, and monitored progress through its Working Group on Ageing, including tools such as the Active Ageing Index and longitudinal data of the Generations and Gender Programme.

56. In the interactive dialogue, representatives of the Ligue Marocaine, ADI, the German Institute for Human Rights, AGE Platform Europe, CORV, HelpAge International and the Association of World Citizens raised several issues, including the situation of older persons in Palestine, Syria and Iraq; how to move the discussion on a convention on the rights of older persons forward; the planned future work of UNECE on the rights of older persons, institutionalizing civil society participation in regional mechanisms, the draft protocol to the African Charter on the rights of older persons, and the situation of migrant workers upon retirement.

57. In his concluding remarks, Mr. Kloth stated that, beyond the adoption of a European non-binding instrument, there were discussions in the Latin American and African regions on binding instruments on the rights of older persons. The follow-up process to the Council of Europe recommendation on older persons would consist of State responses, which would be made public, but there was no mechanism for NGO participation. He suggested that NGOs advocate at the national level. Mr. Plano stated that, even if some regional initiatives were valuable, there was no equality between regions with regard to the realization of the rights of older persons. He called for a universal approach to older persons and the prohibition of age discrimination. Ms. Gaucaite-Wittich voiced the possibility that the

Council of Europe recommendation could provide inspiration for a draft convention but noted that some States did not support conventions aimed at specific target groups. She recalled that the UNECE Working Group on Ageing allowed NGOs to participate as observers and that UNECE closely cooperated with all relevant stakeholders in intergovernmental forums.

J. The universal human rights system: new opportunities for participation

58. Rosemary Lane, Senior Social Affairs Officer with the United Nations Department of Economic and Social Affairs and United Nations Focal Point on Ageing, discussed the work of the Open-ended Working Group on the Human Rights of Older Persons, which had been established by the General Assembly in its resolution 65/182 "to consider... the existing international framework of the human rights of older persons and identify... possible gaps and how best to address them". The Working Group's gap analysis had so far identified the following priority areas (a) discrimination and multiple discrimination, (b) enjoyment of the highest attainable standard of physical and mental health including access to palliative care, (c) violence and abuse, and (d) social protection and the right to social security. Ms. Lane noted that there remained disagreement among Member States about the need for and scope of a new convention to address those gaps but that the reception of the Working Group had been positive. While some Member States were not convinced of the need for a new instrument devoted to older persons and called for mainstreaming of relevant issues in existing human rights mechanisms, others were calling for a specific convention on the rights of older persons because few existing human rights instruments specifically mentioned older persons, and protection mechanisms for that group were fragmented and did not sufficiently address critical issues. They claimed that there was a need to improve the accountability of, and implementation efforts by, States, and that a new convention would reframe the perception of older persons by society. Widespread participation by all relevant stakeholders in the Working Group was essential.

59. Karim Ghezraoui, leader of the Groups and Accountability Section, Special Procedures Branch of OHCHR, discussed the work of the human rights treaty bodies and of the special procedures of the Human Rights Council on the rights of older persons, including the recent establishment of the Independent Expert on the enjoyment of all human rights by older persons. He noted that, while the Independent Expert would work specifically on the rights of older persons, other mandate-holders would continue to look at older persons through their own lenses (i.e. from the perspective of health or extreme poverty) and the treaty bodies would also remain engaged. The Independent Expert could help advance international standards on older persons and would aim to (a) assess existing laws, (b) investigate the views of stakeholders, and (c) take a gender/disability perspective. Mr. Ghezraoui concluded by referencing the new website for the Independent Expert and calling upon civil society to seize opportunities to raise older persons' issues in all relevant forums.

60. Bridget Sleap, Senior Rights Policy Adviser at HelpAge International, discussed human rights mechanisms and how they could be used by civil society organizations to address possible violations of the rights of older persons. She pointed out that the universal periodic review, the special procedures mechanism of the Human Rights Council and the human rights treaty bodies had not consistently addressed older persons' issues, leaving room for improvement. Ms. Sleap opined that existing mechanisms and texts were insufficient to fully protect older persons' rights and called for a new instrument. That would promote uniform standards on the rights of older persons throughout the world, addressing geographic disparities in the current enjoyment of those rights, and would allow for monitoring through a dedicated specialized body. Ms. Sleap called for further engagement by all relevant stakeholders on those issues.

61. Erica Dhar, Senior Advisor for the AARP Office of International Affairs, described the development and work of the Global Alliance for the Rights of Older People. The Alliance had been created to strengthen the rights and voices of older persons on a global scale. It represented the collaborative efforts of numerous organizations and advocated for a legally binding instrument to consolidate the rights of older persons in one instrument. It also coordinated advocacy efforts and educated older persons on their rights. The Alliance engaged with the Working Group and other relevant mechanisms to ensure that older persons' issues were addressed in the post-2015 development agenda, including the sustainable development agenda.

62. In the ensuing dialogue, representatives of the International Association of Gerontology and Geriatrics, the Conference of NGOs, the Law Association for Asia and the Pacific, the Ligue Marocaine, the Uganda Reach the Aged Association, ADI, Argentina, AIDE-Fédération, and International-Lawyers.Org considered ways to promote the human rights of older persons within the human rights system, including through the creation of a new instrument and engagement with existing mechanisms such as the Independent Expert and the universal periodic review. Speakers raised issues such as improving advocacy efforts on behalf of older persons, promoting evidence-based policymaking, establishing intergenerational solidarity, increasing the participation of older persons in relevant international forums, and addressing the impacts of conflict and climate change on the rights of older persons. Concerns were expressed regarding the necessity for action in Asia because of its rapidly ageing population. The need for more discussion between civil society organizations and States was emphasized. The Working Group was viewed as a potential platform for that engagement.

63. In her concluding remarks, Ms. Dhar noted that AARP was concerned about the effect of climate change on older persons and provided support through its Foundation for older persons affected by natural disasters. She welcomed the participation of youth to establish intergenerational solidarity, as on International Older Persons' Day and highlighted the role of civil society as a champion of older persons' rights. She observed that, increasingly, Member States were taking up that cause and encouraged States and NGOs to work together and across regions to build consensus. Mr. Ghezraoui stressed that there would be discussion on the human rights of older persons, prompted by the annual thematic report of the new mandate-holder and relevant country visits at each September session of the Human Rights Council. That offered the opportunity to raise specific issues, such as discriminatory practices, detected at the national level. Ms. Lane emphasized the need to improve the visibility of older persons' issues and the significant role that civil society must play in that regard. She described progress in some United Nations intergovernmental bodies through the intervention of Member States, for example on the situation of older women, and noted that most of the changes were fostered by pressure from civil society organizations.

K. Final observations from participants

64. **At the conclusion of the 2014 Social Forum, the Chairperson-Rapporteur opened the floor for any final interventions from participants.**

65. **Ms. Sleap from HelpAge International delivered a joint final statement on behalf of a majority of the participating civil society organizations. The organizations emphasized the importance of addressing all forms of discrimination against older persons and improving the collection and analysis of data regarding their experiences. They highlighted that the 2014 Social Forum had reaffirmed the need for a new convention on the rights of older persons to address existing gaps in the human rights framework and rejected economic arguments for not protecting these rights. They**

called on Member States to ensure that the Working Group on the Human Rights of Older Persons fulfilled its mandate and that the new Independent Expert of the Human Rights Council promoted and conducted substantive exploration of relevant issues. They called for widespread engagement with and participation by older persons in relevant forums and decision-making processes.

66. InternationalLawyers.org requested that the widespread support for a treaty on the human rights of older persons and the need for recommendations of the Social Forum to receive serious consideration by the Human Rights Council be communicated in the report. They also called upon Member States to heed the progress on older persons' rights being made in regional bodies such as the Inter-American Commission and the African system and to follow those examples at the global level.

IV. Conclusions and recommendations

67. The Chairperson Rapporteur then offered a summary of the proceedings, conclusions and recommendations, which are reflected in the sections that follow.

A. Conclusions

68. The 2014 Social Forum comprised a three-day discussion in which States, international organizations, NGOs and other stakeholders shared their visions about the needs of older persons, the challenges they faced, and the obstacles to the exercise of their rights. All participants agreed that there must be greater protection of the rights of older persons at the national and international levels. The deliberations made it clear that this need would continue to grow as population demographics changed to reflect longer life expectancies for people worldwide. In those circumstances, it was not enough that people lived longer, they must also live better.

69. It was manifestly clear that existing mechanisms for guaranteeing older persons the exercise of all their rights were insufficient, as many continued to suffer from neglect, abuse, social exclusion, discrimination, deprivation, stigmatization, poverty and inability to meet their basic needs.

70. The deliberations identified the absence of an express prohibition of age discrimination in most human rights instruments as one obstacle to the exercise of older persons' rights. Consequently, the issue lacked visibility and coherence, and was not a central theme of review in international mechanisms even though it was a root cause of many of the problems and challenges discussed in the Social Forum.

71. That deficiency in the human rights framework was evident throughout the presentations and related dialogues, which addressed a series of interlinked issues crucial for the understanding of the circumstances of many older persons. Those included poverty, employment discrimination, inadequate systems for long-term care, violations of informed consent, scarcity and inadequacy of services for persons with dementia, restricted autonomy and decision-making, discrimination, including multiple discrimination against women and others, partial or total lack of pension coverage, abuse and neglect, inter alia. Many older persons, where not excluded by discrimination from employment and social participation, were productive members of society.

72. The discussion addressed the epidemiological changes that had coincided with population ageing trends. Increasing rates of acute and chronic illnesses and disability

combined with limited human and economic resources were straining health and social welfare systems. Participants agreed that long-term care was a fundamental right for older persons and that its inadequacy had become a grave problem.

73. The discussion throughout the Forum produced a consensus call for addressing the insufficient protection of the rights of older persons with a new, legally binding instrument that affirmed and consolidated those rights, and for the further monitoring, study and analysis of issues relating to older persons.

B. Recommendations

74. All relevant actors must strive to realize the principles of equality and non-discrimination with regard to age and to implement the concrete obligations of States, including through the development and implementation of rights-based laws and policies on behalf of older persons. In so doing, it must be recognized that all human rights are interconnected and interdependent. The exercise of civil and political rights cannot take place in the absence of economic, social and cultural rights, and vice versa.

75. In going forward, international organizations and mechanisms must be more involved in the debate regarding ageing and the rights of older persons. The violation of these rights should not be seen merely as a moral failing but also as a justiciable violation of international human rights law at both the national and international levels.

76. Older persons can and do contribute to economic and social development, where they are not prevented from doing so through discriminatory laws, policies or attitudes. As such their right to do so must be protected and promoted.

77. A paradigm change is needed to enable older persons to enjoy their rights regardless of whether or not they are able to contribute to society economically. The realization of rights must not be seen as a public expense but rather as an investment in a more just society with a better quality of life for everyone. Additionally, the many non-economic contributions of older persons to society should be recognized and affirmed as part of our moral and legal obligation to contribute to a conscientious society that promotes active ageing and the empowerment of older persons. In this regard, the participation of older persons in decision-making that affects them and promotion of their independence and autonomy is critical.

78. Member States should commence work on drafting a legally binding human rights instrument that can facilitate efforts to respect, protect and fulfil the rights of older persons. Improved mechanisms for data collection, and further discussion and research should inform these efforts and constitute an ongoing objective of efforts to protect the rights of older persons.

Annexes

Annex I

Provisional agenda

1. Opening of the session.
2. Implementation of Human Rights Council resolution 24/25 entitled "The Social Forum" on the theme "The rights of older persons, including best practices in this regard".
3. Closure of the session.

Annex II

[English/French/Spanish only]

List of participants

States Members of the Human Rights Council

Algeria, Argentina, Austria, Brazil, Chile, China, Cuba, France, Germany, India, Japan, Mexico, Russian Federation, Saudi Arabia, South Africa, United Kingdom, Venezuela (Bolivarian Republic of), Viet Nam.

States Members of the United Nations represented by observers

Colombia, Ecuador, Greece, Guatemala, Iraq, Mali, Qatar, Slovenia, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, Uruguay.

Non-Member States represented by observers

Holy See.

Intergovernmental organizations

Council of Europe.

United Nations

Economic Commission for Latin America and the Caribbean, United Nations Economic Commission for Europe, United Nations Environment Programme, United Nations Non-Governmental Liaison Service, United Nations Population Fund, United Nations Department of Economic and Social Affairs.

Specialized agencies and related organizations

International Labour Organization, International Telecommunication Union, World Health Organization.

Non-governmental organizations

Age International, Al-Hakim Foundation, American Association of Retired Persons, Association of Former International Civil Servants in New York, Association of World Citizens, Association Pour La Prevention de la Torture, Ariel Foundation International, Autistic Minority International, China Ngo Network for International Exchanges, CONGO Committee on Ageing, New York and Geneva, Conference of NGOs in Consultative Relationship with the United Nations, Congregation of our Lady of Charity of the Good Shepherd, Dominicans for Justice and Peace (Order of Preachers), Fédération des Agences Internationales pour le Dévelopement (AIDE-Fédération), Geneva for Human Rights-Global Training NGO, Global Alliance for the Rights of Older People, International

Association of Gerontology and Geriatrics, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, International Longevity Centre Global Alliance, International Human Rights Observer NGO (Pakistan), International-Lawyers.Org, La Compagnie des Filles de la Charité de Saint Vincent de Paul, Latter-day Saint Charities, Ligue Marocaine pour la Citoyenneté et les Droits de l'Homme, Law Association for Asia and the Pacific, Miraísmo Internacional, Mouvement contre le racisme et pour l'amitié entre les peuples, National Alliance of Women's Organizations, Older Women's Network, Europe, Organisation Camerounaise de Promotion de la Coopération Economique Internationale, Organisation of Islamic Cooperation, Red Cross of Serbia, St. Maarten Seniors and Pensioners Association, Solidarité pour un Monde Meilleur, Sovereign Military Order of Malta, VIVAT Internation..l, World Future Council, World Network of Users and Survivors of Psychiatry.

National human rights institutions

Ukrainian Parliament Commissioner for Human Rights.

National ministries and departments

Federal Ministry of Labour, Social Affairs and Consumer Protection, Austria; Ministry of Social Development, Argentina.

Academic institutions

Université de Genève, University of East Anglia.

Independent experts and activists

Maryam Al-Ansari, director, Research and Development Department, Qatar Foundation for Elderly People Care; Abdessadek Atlas, AIDE-Fédération (Geneva); Svetlana Bashtovenko, president, Resource Centre for the Elderly (Kyrgyzstan); Erica Dhar, Senior Adviser, American Association of Retired Persons (United States of America); Odile Frank, representative, Global Coalition for Social Protection Floors (France); Nena Georgantzi, legal officer, AGE Platform Europe (Greece); Sooyoun Han, founding member, Care Rights (Republic of Korea); Raymond Jessurun, representative, Alzheimer's Disease International, Central Latinoamericana y del Caribe de Trabajadores Jubilados, Pensionados y Adultos Mayores and the Coordinación Regional de Organismos de la Sociedad Civil de América Latina y el Caribe sobre Envejecimiento y Vejez (St. Maarten); Matthias Kloth, Council of Europe; Maude Luherne, AGE Platform Europe (France); Claudia Mahler, German Institute for Human Rights; Marlene Marquez Herrera, member, executive board, Coordinación Regional de Organismos de la Sociedad Civil sobre Envejecimiento (Colombia); David Obot, Chairman, Uganda Reach the Aged Association; Silvia Perel-Levin, representative, International Network for the Prevention of Elder Abuse, International Longevity Centre Global Alliance (Switzerland); Jorge Plano, member, Executive Board, Coordinación Regional de Organismos de la Sociedad Civil sobre Envejecimiento (Argentina); Bridget Sleap, Senior Rights Policy Adviser, HelpAge International; Susan Somers, Secretary General, International Network for the Prevention of Elder Abuse; Astrid Stuckelberger, lecturer, Institute of Global Health, University of Geneva; Abdelaziz Zguiouar, representative, AIDE-Fédération (Morocco).